

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.215 OF 2006
IN
NOTICE OF MOTION NO.2525 OF 2005
IN
SUIT NO.2365 OF 2005

Mr.Kanti Jain

..Appellant.
(Org.Deft.No.1)

Vs.

M/s.Fulchand Exports
& Anr.

..Respondents.
(Org.Plff. & Org.
Deft.No.2)

Mr.Kanti Jain, Appellant in person.
Mr.S.B.Prabhavalkar for Respondent No.1.

**CORAM: DR.S.RADHAKRISHNAN AND
S.J.VAZIFDAR, JJ.**

DATED: 5TH APRIL, 2006

P.C. :

1. Heard Mr.Kanti Jain, the Appellant in person. He states that though his Advocate is not present, he himself is desirous of arguing this matter. Heard also the learned counsel for Respondent No.1.

2. The limited grievance of the Appellant in the above matter with regard to the order dated 6.9.2005 passed by the learned Single Judge is that the bank is not issuing a fresh demand draft in view of the observation made by the learned Single Judge. In the

said order dated 6.9.2005 the observation of the learned Single Judge reads as under :

"In the mean time it is clarified that if the bank will issue fresh demand draft they shall do so at their own risk."

3. We make it clear that the bank is not precluded in any manner from issuing a fresh demand draft by the aforesaid order. The bank is free to issue a fresh demand draft.

4. Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)